

Serial No. 10/580,802
Attorney Docket No. 102613-112

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REMARKS

By this amendment, claims 1 and 3 have been amended to delete "ammonium salt of formic acid", "ammonium salt of phosphoric acid" and "ammonium salt of oxalic acid" from the list of the catalyst recited in the claims.

Claims 11, 12, 19-22, and 27 are cancelled without prejudice.

No new claims are added

After the Amendment, claims 1-8, 13-18, 23 and 24 are presented for further examination. Applicants submit that no new matter is added herein.

Claim Rejections under 35 USC § 103

Payne et al. (US 5,700,742) in view of North (US 5,352,372)

Claims 1-8, 11-24, and 27 stand rejected as allegedly being obvious over the combined teachings of Payne et al. (U.S. Patent No. 5,700,742) and North (US 5,352,372).

Payne et al. relates to antimicrobial treatment of textile material with an oligomeric or polymeric biguanide and a strong organic acid having a pK value below 4.5. See Abstract. According to Payne et al., acid protects treated material against yellowing in the presence of chlorine bleaches and loss of antimicrobial activity on laundering. See Abstract. In other words, Payne et al. mandates the use of a strong organic acid having a pK value below 4.5 to treat fabrics in order to protect the fabrics from yellowing and loss of antimicrobial activity on laundering.

In contrast, the instantly claimed composition does not contain any acid or the salts thereof, wherein the acid has a pK value below 4.5. Applicants surprisingly found that the instantly claimed composition, although not containing the acid required by Payne et al., is effective to provide sustained antimicrobial efficacy to the treated fabrics after repeated laundering. It is respectfully submitted that Payne et al. does not disclose or suggest the instantly claimed composition or the surprising results obtained therefrom.

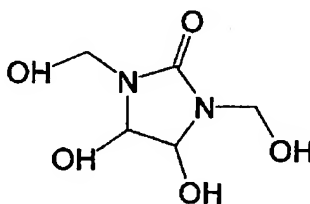
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Indeed, Payne does not disclose or suggest the instantly claimed composition for at least the reason that Payne fails to disclose or suggest either component i), 2 to 20wt% of at least a self-crosslinkable resin, or component ii) 0.25 to 20 wt% of at least a catalyst, both of which are required by the claimed composition.

North does not cure the deficiency of Payne. Specifically, North discloses a composition for treating textile fabrics which allegedly reduces or eliminates free formaldehyde in the resin and the treated fabric while providing a non-yellowing treated fabric. See Abstract. The composition contains DMDHEU or alkylated DMDHEU and dimethyl acetoacetamide. See Abstract as well as Summary of the invention. According to North, the use of dimethyl acetoacetamide is required because it is this compound that reduces formaldehyde levels both in the DMDHEU resin and in the finished treated fabric. See column 1, lines 42-45.

Applicants believe there is no motivation to combine Payne and North. Further, the combination of Payne and North does not disclose or suggest the instantly claimed composition. In particular, as discussed above, North teaches that it is dimethyl acetoacetamide that reduces formaldehyde levels in the DMDHEU resin and in the finished treated fabric. Accordingly, if skilled the artisan were to add DMDHEU to the composition disclosed in Payne et al. based on the disclosure of North, one would also include dimethyl acetoacetamide as mandated by North in the composition for the purpose of reducing the level of formaldehyde of DMDHEU resin and the treated fabric.

The structure of dimethyl acetoacetamide is represented below:



As shown in the structure, dimethyl acetoacetamide is not a self-crosslinkable polymer, namely, component (i) recited in the instant claims. It does not fall under the definition for components (ii), (iii) and (iv) as recited in the claims either. Accordingly, the combination of Payne et al. and North does not disclose or suggest instantly claimed composition because the

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combination suggest a composition that contains dimethyl acetoacetamide, which the claimed composition does not contain.

Since neither Payne et al., nor North, either alone or in combination, disclose or suggest the compositions as recited in claims 1 and 3 for the reasons discussed above, the references do not disclose or suggest any method for using these compositions, much less the method as recited in instant claims 13-18.

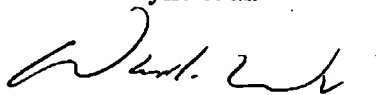
For the above reasons, Applicants respectfully submit that the 103 rejections based on Payne et al. in view of North are untenable and should be withdrawn.

It is believed that the instant claims are now in condition for allowance. Accordingly, an early receipt of a Notice of Allowance is respectfully requested.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
John D. Payne et al.



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Date: November 2, 2010

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